



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/082,354

02/26/2002

Brian Jacobsen

38627-170421

2756

26694

7590

12/11/2008

VENABLE LLP

P.O. BOX 34385

WASHINGTON, DC 20043-9998

EXAMINER

ABEL JALIL, NEVEEN

ART UNIT

PAPER NUMBER

2165

MAIL DATE

DELIVERY MODE

12/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/082,354	Applicant(s) JACOBSEN ET AL.	
	Examiner NEVEEN ABEL JALIL	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,16,18,19,21,24-48 and 50-60 is/are pending in the application.
- 4a) Of the above claim(s) 54-59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-13, 16, 18, 19, 21, 24-48, 50-53, and 60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/21/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In response to Applicant's Amendment filed on August 13, 2008, claims 1, 3-13, 16, 18, 19, 21, 24-48, and 50-60 are pending. Claims 54-59 are withdrawn from consideration.
2. Applicant's amendment has overcome the previously presented claim objections, and rejections under 35 USC 101 and 112, second.

Election/Restrictions

3. This application contains claims 54-59 drawn to an invention nonelected without traverse on 12/22/2004. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, 10, 26-32, 40-41, 46-48, and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joachim Hammer, Jan Fiedler. Using Mobile Crawlers to Search the Web Efficiently (Pub. 2000) - (from hereon in Hammer et al.) in view of Gable (U.S. Patent No. 6,029,165).

As to claims 1, 40, and 41, Hammer et al. discloses a computer-implemented method of implementing a search engine to compile and access subject-specific information from a computer network, the method comprising the steps of:

traversing links between sites on the computer network, by said search engine (See Hammer et al. page 1, introduction, both columns);

filtering, by said search engine, contents of each site visited to determine relevancy of content to said particular subject (See Hammer et al. page 6, column 1, paragraph 3); and

presenting for an indexing operation, at said search engine, information on each site deemed relevant to said particular subject by said filtering (See Hammer et al. page 3, column 1, paragraph 2, and see page 3, column 2, bottom paragraph).

Hammer et al. teaches the claimed invention but is not specifically states filtering the contents of a site at least a second time for relevancy to said particular subject. Although, within any software routine, it is inherent and well known that it can be repeated and therefore filtering can occur a second time.

Gable teaches filtering the contents of a site at least a second time for relevancy to said particular subject (See column 13, lines 10-21, interpreted in light of applicant's specification page 11, and dependent claim 3, to be manual feedback inherent to be run through a filter a second time).

Both Hammer et al. and Gable are from analogous art dealing with filtering subject specific topics in a search environment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Hammer et al. by the teachings of Gable to include filtering the contents of a site at least a second time for relevancy to said particular subject because it is well-known in the software art and more accurate to provide a second filter or a second filtering step as it can be provided simply by human interaction through an interface.

As to claims 4, 47-48, and 51-52, Hammer et al. as modified discloses wherein at least one of said filtering steps comprises the step of:

passing the contents of the site through a lexicon-based filter, the filter comparing contents of the site with terminology found in the lexicon (See Hammer et al. page 6, column 2, paragraph 1, wherein keywords associated with vocabulary are taught, and see Gable Figure 6, 80, 96).

As to claim 10, Hammer et al. as modified discloses wherein the step of passing the contents of the site through a lexicon-based filter comprises the step of:

comparing the contents of a web page corresponding to the site with the lexicon (See corresponding rejection for claim 4 above).

As to claim 26, Hammer et al. as modified discloses replacing the lexicon with a lexicon corresponding to a different subject in order to create a different subject-specific database (See Gable column 6, lines 43-54, wherein it is inherent that user can create any lexicon in a dictionary according to their likings).

As to claim 27, Hammer et al. as modified discloses further comprising the step of:
compiling a database of searchable relevant information (See Hammer et al. page 15, column 1, paragraph 1, and see Gable column 6, lines 44-60, wherein it is unclear if this database is any different from the traditional “search engine” database).

As to claim 28, Hammer et al. as modified discloses further comprising the steps of:
permitting a user to enter a query (See Hammer et al. page 15, column 1, paragraph 1, wherein “permitting” indicates optional and intended use interpretation not in fact the functionality of performing a query);

searching the database for information according to the query (See Hammer et al. page 15, column 1, paragraph 1); and

computing a site ranking for each site associated with information found in said searching step, the site ranking being computed based on said word scores (See Gable column 8, lines 9-25, wherein “word score” reads on “frequency of terms”).

As to claims 29, 31, and 32, Hammer et al. as modified discloses further comprising the step of:

displaying information found in said step of searching in a hierarchical format according to site ranking (See Gable Figure 5, 112, and see Gable column 10, lines 49-60, wherein it is inherent that ranking presents results hierarchically, and wherein ranking inherent provides order).

As to claim 30, Hammer et al. as modified discloses further comprising the step of:
determining a site ranking for each site associated with information found in said searching step, where the determining is according to how interesting at least one of authors and users of the computer network have found the site associated with the information (See Gable column 10, lines 24-52, wherein it is inherent that the author can also be a user of the system, wherein it is inherent that ranking can be done based on author feedback).

As to claim 46, Hammer et al. discloses a system to implement a search engine to compile and permit (wherein the term "permit" is interpreted to be intended use that is optional and may occur, suggested to be replaced with "configured to access") accessing of subject-specific information from a computer network, the system comprising:

a host computer to execute software stored upon a computer-readable storage medium to implement said search engine, the software comprising:

a smart crawler (See Hammer et al. page 3, column 1, paragraph 2) of said search engine to traverse the computer network (See corresponding rejection for claim 1 above, wherein the term "smart" is relative and may change with time);

a first filter of said search engine (See Hammer et al. page 6, column 1, paragraph 3), to filter out sites that are irrelevant to said particular subject, and permitting only sites relevant to said particular subject to pass (See corresponding rejection for claim 1 above); and

an indexer of said search engine to index the relevant sites (See corresponding rejection for claim 1 above, further more it is inherent that search engine holds an index); and

memory, connected to the host computer, to store indexed subject-specific information
(See corresponding rejection for claim 1 above).

The motivation to provide a second filter is similar to that of claim 1 above.

11. Claims 3, 25, 45, 50, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joachim Hammer, Jan Fiedler. Using Mobile Crawlers to Search the Web Efficiently (Pub. 2000) - (from hereon in Hammer et al.) in view of Gable (U.S. Patent No. 6,029,165) as applied above, and further in view of Conklin et al. (U.S. Patent No. 6,363,378 B1).

As to claims 3, 25, 45, 50, and 53, Hammer et al. as modified teaches the claimed invention but is not specific on how the feedback is acquired and thus does not teach: wherein at least one of said filtering steps comprises the steps of:

presenting the contents to a human editor via a human-computer interface;
permitting approving, by the human editor, when the contents are deemed relevant to said particular subject; and
permitting disapproving, by the human editor, when the contents are not deemed relevant to said particular subject;
wherein said presenting the contents, approving, and disapproving are preformed prior to said presenting for an indexing operation step.

Conklin et al. teaches wherein at least one of said filtering steps comprises the steps of:
presenting the contents to a human editor via a human-computer interface (See Conklin et al. column 5, lines 16-36);

permitting approving, by the human editor, when the contents are deemed relevant to said particular subject (See Conklin et al. column 5, lines 16-36, wherein selection and de-selection are inherent capabilities of user interfaces); and

permitting disapproving, by the human editor, when the contents are not deemed relevant to said particular subject (See Conklin et al. column 5, lines 16-36, wherein selection and de-selection are inherent capabilities of user interfaces);

wherein said presenting the contents, approving, and disapproving are preformed prior to said presenting for an indexing operation step (wherein it is inherent in query feedback and refinement that user feedback is taken into consideration for the second filtering step).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the invention of Hammer et al. as modified by the teachings of Conklin et al. to include user interface based feedback to query results for efficient and more accurate search results.

6. Claims 5-9, 11-13, 16-19, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joachim Hammer, Jan Fiedler. Using Mobile Crawlers to Search the Web Efficiently (Pub. 2000) - (from hereon in Hammer et al.) in view of Gable (U.S. Patent No. 6,029,165) as applied above, and further in view of Burrows (U.S. Patent No. 6,021,409).

As to claim 5, Hammer et al. as modified does not teach wherein the step of passing the contents of the site through a lexicon-based filter comprises the steps of:

breaking up a web page corresponding to the site contents into component parts; and

Art Unit: 2165

comparing the contents of each component part with the lexicon.

Burrows teaches breaking up a web page corresponding to the site contents into component parts (See Burrows column 6, lines 56-67); and

comparing the contents of each component part with the lexicon (See Burrows column 2, lines 50-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the invention of Hammer et al. as modified by the teachings of Burrows to include parsing web pages to components and assigning weight for ranking and scoring because it is well known method in the search engine art to separate useful information into format useful for storage, indexing, and retrieval.

As to claims 6, 11, 16, and 21 Hammer et al. as modified discloses wherein the step of passing the contents of the site through a lexicon-based filter further comprises the steps of:

assigning a weight to each component part based on a result of the step of comparing (See Burrows column 26, lines 26-34, and see Hammer et al. page 6, column 2, paragraphs 1-2); and

deeming the component part to be relevant when it achieves a threshold weight (See Burrows column 27, lines 25-36).

As to claims 7, 12, 17, 22, and 39, Hammer et al. as modified discloses wherein the step of assigning a weight comprises the steps of:

Art Unit: 2165

assigning a weight to each word, term, or expression in the component part that matches a word, term, or expression in the lexicon, according to a weight associated with the word, term, or expression (See Burrows column 27, lines 1-17, and see Burrows column 2, lines 50-60, and see Hammer et al. page 6, column 2, paragraph 1, and see Gable column 8, lines 3-29); and

accumulating a sum of assigned weights, the sum forming the weight assigned to the component part (See Burrows column 26, lines 34-49).

As to claims 8, 13, 18, and 23, Hammer et al. as modified discloses wherein the step of passing the contents of the site through a lexicon-based filter further comprises the steps of:

saving component parts deemed to be relevant to said particular subject and passing them to the presenting step (See Gable column 10, lines 27-48, wherein it is inherent that relevant terms or components are saved while irrelevant ones are discarded); and

discarding component parts deemed not to be relevant to said particular subject (See Hammer et al. page 6, column 2, paragraph 1, and see Burrows column , lines, wherein it is inherent that non-relevant content is discarded).

As to claims 9, and 19, Hammer et al. as modified discloses wherein the step of passing the contents of the site through a lexicon-based filter further comprises the steps of:

when at least one component part is deemed to be relevant to said particular subject, passing the web page to the presenting step (See Gable column 13, lines 10-21); and

Art Unit: 2165

when no component part is deemed to be relevant to said particular subject, discarding the web page (See Hammer et al. page 6, column 2, paragraph 1, wherein it is inherent that non-relevant content is discarded).

7. Claims 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joachim Hammer, Jan Fiedler. Using Mobile Crawlers to Search the Web Efficiently (Pub. 2000) - (from hereon in Hammer et al.) in view of Gable (U.S. Patent No. 6,029,165) as applied above, and further in view of Filippo Menczer, Gautam Pant, Padmini Srinivasan, Miguel E. Ruiz. Evaluating Topic-Driven Web Crawlers (2001) - (from hereon in Menczer et al.)

As to claim 33, Hammer et al. as modified still does not teach wherein the step of compiling a database comprises the step of:

for each relevant site to be stored in the database, assigning a word score to each word appearing on that site .

Menczer et al. teaches for each relevant site to be stored in the database, assigning a word score to each word appearing on that site (See Menczer et al. page 246, column 1, paragraph 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the invention of Hammer et al. as modified by the teachings of Menczer et al. to include for each relevant site to be stored in the database, assigning a word score to each word appearing on that site because ranking and scoring content is a well known method in organizing and providing relevant query results.

As to claims 34, and 36, Hammer et al. as modified discloses wherein the step of assigning word scores comprises the steps of:

determining all sites found in the database that contain links to the site (See Menczer et al. page 242, column 2, paragraph 1-3, wherein "links to the site" is read to be "edges and link authority");

for each word on the site, assigning a word score for that word based at least in part on its presence on each site containing a link to the site (See Menczer et al. page 243, column 2, paragraph 1, wherein it is inherent that score of zero (no score) is given to sites that have no matching words).

As to claims 35, and 37, Hammer et al. as modified discloses wherein the step of assigning a word score for that word further comprises the step of increasing the word score for each site containing a link to the site when the word appears in close proximity to the link (See Menczer et al. page 244, column 1, paragraph 1, and page 246, column 1, paragraph 2, wherein it is read to mean "link appearance" calculations).

As to claim 38, Hammer et al. as modified discloses further comprising the steps of:
permitting a user to enter a query (See Hammer et al. page 15, column 1, paragraph 1, wherein "permitting" indicates optional and intended use interpretation not in fact the functionality of performing a query);

searching the database for information according to the query (See Hammer et al. page 15, column 1, paragraph 1); and

Art Unit: 2165

computing a site ranking for each site associated with information found in said searching step, the site ranking being computed based on said word scores (See Gable column 8, lines 9-25, wherein “word score” reads on “frequency of terms”).

As to claim 39, Hammer et al. as modified discloses wherein the step of assigning a weight comprises the steps of:

assigning a weight to each word, term, or expression in the component part that matches a word, term, or expression in the lexicon, according to a weight associated with the word, term, or expression (See Menczer et al. page 243, column 2, paragraph 1, and see Gable column 8, lines 12-24, wherein it is inherent once each term or component is assigned a weight the final ranking is based on combined weight); and

accumulating a sum of assigned weights, the sum forming the weight assigned to the component part (See Menczer et al. page 243, column 2, paragraph 1, wherein it is inherent once each term or component is assigned a weight the final ranking is based on combined weight).

8. Claims 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joachim Hammer, Jan Fiedler. Using Mobile Crawlers to Search the Web Efficiently (Pub. 2000) - (from hereon in Hammer et al.) in view of Gable (U.S. Patent No. 6,029,165) and further in view of Conklin et al. (U.S. Patent No. 6,363,378 B1).

As to claim 42, Hammer et al. as modified does not teach further comprising the step of: monitoring a depth for each link, the depth being a reflection of relevance.

Conklin et al. teaches monitoring a depth for each link, the depth being a reflection of relevance (See Conklin et al. column 9, lines 20-60, and see Figure 5, 420).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the invention of Hammer et al. as modified by the teachings of Conklin et al. to include monitoring a depth for each link, the depth being a reflection of relevance because it is well known method in the search engine art as to keep efficient track of related websites.

As to claim 43, Hammer et al. as modified discloses wherein the step of monitoring comprises the steps of:

for a given site being visited, setting depths of any links leading from that site to other sites to a depth of a link traversed to reach the given site (See Conklin et al. column 13, lines 1-27, and see Hammer et al. page 2, column 2, paragraph 4);

where the given site is determined to be relevant to said particular subject in the filtering step, setting the depths of the links leading from that site to zero (See Conklin et al. column 9, lines 20-36, wherein it is inherent that if site meets threshold than it is relevant); and

where the given site is determined not to be relevant to said particular subject in the filtering step, incrementing the depths of the links leading from that site (See Conklin et al. column 9, lines 20-36, and see Hammer et al. page 6, column 1, paragraph 31, wherein it is inherent that thresholds are modifiable according to the results and processes are to be repeated accordingly).

Art Unit: 2165

As to claim 44, Hammer et al. as modified discloses:

comparing the incremented depths to a predetermined maximum depth value (See Conklin et al. column 9, lines 20-60, and see Conklin et al. Figure 5, 420);

when the incremented depths exceed the predetermined maximum depth value, discarding the links leading from the given site (See Conklin et al. column 9, lines 20-60, and see Conklin et al. Figure 5, 420, wherein it is inherent that anything beyond a threshold is discarded as being irrelevant, while links below threshold are still relevant); and

when the incremented depths do not exceed the predetermined maximum depth value, traversing one of the links leading from the given site (See Conklin et al. column 9, lines 20-60, and see Conklin et al. Figure 5, 420, wherein it is inherent that if max value is not reached the links will still be deemed relevant and thus traversed again).

9. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin et al. (U.S. Patent No. 6,363,378 B1) in view of Joachim Hammer, Jan Fiedler. Using Mobile Crawlers to Search the Web Efficiently (Pub. 2000) - (from hereon in Hammer et al.).

As to claim 60, Conklin et al. discloses a computer-implemented search engine to compile and access subject-specific information, associated with a particular subject, from a computer network, comprising:

device for presenting, for an indexing operation, information on each site deemed relevant to said particular subject by said extracting (filtering) (See Conklin et al. column2, line 20, and see column 4, lines 8-32, wherein “for presenting” is interpreted as intended use

Art Unit: 2165

recitation in accordance with MPEP 2114.1 and MPEP 2106.1 IIC. and it suggested to be replaced with “presenting” or “to present”, wherein extracting not filtering is taught, filtering is introduced in the secondary reference, wherein “indexing” is an inherent feature of a search engine and databases); and

monitoring device for monitoring a depth for each link, the depth being a reflection of relevance to said particular subject (See corresponding rejection for claims 42-44 above), wherein said monitoring device performing the steps of:

for a given site being visited, setting depths of any links leading from that site to other sites to a depth of a link traversed to reach said given site (See corresponding rejection for claims 42-44 above);

when the given site is determined to be relevant to said particular subject in the extracting (filtering) step (wherein extracting not filtering is taught, filtering is introduced in the secondary reference), setting the depths of the links leading from said site to zero (See corresponding rejection for claims 42-44 above);

when the given site is determined not to be relevant to said particular subject in the extracting (filtering) step, incrementing the depths of the links leading from said site (See corresponding rejection for claims 42-44 above);

comparing the incremented depths to a predetermined maximum depth value (See corresponding rejection for claims 42-44 above);

when the incremented depths exceed the predetermined maximum depth value, discarding the links leading from the given site (See corresponding rejection for claims 42-44 above); and

when the incremented depths do not exceed the predetermined maximum depth value, traversing one of the links leading from the given site (See corresponding rejection for claims 42-44 above).

Conklin et al. disclosed the claimed invention but is not explicit in teaching device for traversing links between sites on the computer network by said search engine. And although Conklin teaches extracting he does not teach the claimed recitations of:

filtering device to filter contents of each site visited to determine relevancy of content to said particular subject (wherein it is inherent that selective content is kept and presented).

Hammer et al. teaches device for traversing links between sites on the computer network by said search engine (See page 1, introduction, both columns, wherein “for traversing” is interpreted as intended use recitation in accordance with MPEP 2114.1 and MPEP 2106.1 IIC. and it suggested to be replaced with “traversing” or “to traverse”); and

filtering device to filter contents of each site visited to determine relevancy of content to said particular subject (See page 6, column 1, paragraph 3, wherein it is inherent that selective content is kept and presented).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Conklin et al. by the teachings of Hammer et al. to include device for traversing links between sites on the computer network by said search engine and filtering device to filter contents of each site visited to determine relevancy of content to said particular subject because it is well known in the art that “traversing links” and filtering operations are inherent functionality and perhaps the main functionality of a crawler coupled to a “search engine”.

Response to Arguments

10. Applicant's arguments filed on October 14, 2008 have been fully considered but they are not persuasive.

Applicant's argument that "The combination of Hammer and Gable fails to teach or suggest the second filtering of the contents of sites visited as claimed in claim 1" is noted but not deemed to be persuasive.

Applicant's own specification (Published version) in the Abstract introduces the "filtering" steps as simply repeating selections made by users on presented links "Sites may be filtered an arbitrary number of times for relevance, and such filtering may, for example, comprise automated, lexicon-based filtering; manual filtering, using a human editor; or both" thus no different from what Gable teaches. As disclosed in column 13, lines 22-55, Gable's lexicon filter is based on analysis of the content of electronic documents (such as the frequency of terms, the presence or absence of certain terms... etc.). Hammer was introduced as the primary reference to teach automated crawler performing the first filtering for specialized search engines dealing with specific subject (See Hammer sections 1 and 2) falling in line with Applicant's specification description of first filtering in paragraph 0025.

The Independent claims have offered no further details as to what constitute the second filtering or what is considered to be the contents of sites, therefore the rejection is maintained.

The Applicant continues to argue that “Gable’s refinement by feedback is not performed on the contents of each site visited by the search engine, as in the claimed invention, but to the stored "predefined search queries." Such predefined search queries are based on the principle of "everything is relevant," meaning that every page encountered is saved, giving more irrelevant results than the claimed invention. By contrast, the claimed invention is based on the principle that "most pages are not relevant," resulting in more irrelevant pages being filtered out” is not found to be persuasive.

Claim 1 only suggests that the first filtering steps is done by the search engine, leaving the second filtering step open to interpretation reasonably falling within the teachings of Gable just as suggested by Applicant’s specification (published version) paragraph 0047 (which calls for the second filtering steps to be organized by a user). Gable’s automated lexicon (including predefined rules for topic filtering) is equivalent to Applicant’s lexicon-based filter disclosed in paragraph 0066 of the specification.

Hammer was introduced as the primary reference to teach automated crawler performing the first filtering for specialized search engines dealing with specific subject (See Hammer sections 1 and 2).

Neither Applicant’s specification nor remarks have offered a distinct or clear difference as to why Gable’s combined teachings with Hammer are not equivalent to the method of claim 1.

In response to applicant's argument that “By contrast, the claimed invention is based on the principle that "most pages are not relevant," resulting in more irrelevant pages being filtered out”, a recitation of the intended use of the claimed invention must result in a structural

Art Unit: 2165

difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Applicant's argument that "The Examiner merely stated that it is well known that filtering "can" be repeated or "can" occur a second time. Thus, the Examiner did not reasonably support a determination that a second filtering necessarily flows from the teaching of Hammer and Gable. The mere fact that a certain thing may result from a given set of circumstances is not sufficient" is noted but not found to be persuasive since in referring to *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960), the court held that mere duplication of parts has no patentable significance. In this case, not only multiple filtering of links to refine searches are routine software operations, it is also fundamental to the operations of search engine crawlers to continuously revisit and re-index (filtering) sites. Nevertheless, the Examiner has provided teachings in Gable to show the second filtering (i.e. human feedback). Continues interaction with the user as suggested by Gable would reasonably suggest a second or multiple repeated filtering occurring while modifying/refining a search result.

The remaining pages of the remarks appear to be directed to similar arguments and thus fall under the same responses as above.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian P. Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2165

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neveen Abel-Jalil
Primary Examiner
December 9, 2008

/Neveen Abel-Jalil/

Examiner, Art Unit 2165